IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Tr.P(C).No. 70 of 2007()

OP.623/2006 of FAMILY COURT, KANNUR
.....

PETITIONER/PETITIONER

N.SUNITHA, D/O.NARAYANAN MOOSAD,
NARAYANAMANGALATHILLOM, THALAPPALAM, PLASANAL,
KOTTAYAM DIST.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.R.V.SREEJITH

RESPONDENT/RESPONDENT:

K.E.SWAMINATHAN,
S/O.LATE NEELAKANDA PODUVAL, KUNNATH ILLOM,
MUNDALUR P.O., MAKERI AMSOM, KOTTAM DESOM,
KANNUR DIST.

BY ADV. SRI.V.BINOY RAM
SRI.V.K.SREENATH

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. 838 OF 2007
IN
Tr.P.C. NO.70 OF 2007

DISMISSED

1/6/07 **SD/- M.N. KRISHNAN, JUDGE.**

[True Copy]

P.A. TO JUDGE.

M.N. KRISHNAN, J.

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Tr.P.C. NO. 70 OF 2007

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Dated this the 1st day of June, 2007.

J U D G M E N T

This petition is filed by the wife in O.P.623/06 to transfer the case from Family Court, Kannur to Family Court, Kottayam at Ettumanoor. The petition is one filed by the husband to declare the marriage as null and void on the ground that the transfer petitioner was not of sound mind at the time of conduct of the marriage.

2. It is averred that the wife is unable to travel from Kottayam to Kannur and she has nobody to accompany her and if at all it will incur large expenses as well and therefore she is not in a position to travel. She submits that she belongs to a poor family and it totally prevents her from making travel from Kottayam to Kannur by spending huge amount.

3. On the contra, the learned counsel for the respondents would submit that there were two counselling and it is further posted before the Family Court and so the case need not be

transferred at this stage. There is also a suggestion to get a report from the Medical Board.

4. I have ascertained the mood of the husband in this matrimonial dispute and it is seen that it may not be acceptable for him to take back his wife. The prayer itself is to declare the marriage as null and void. Whether she was not in a sound state of mind or whether there had been suppression of material facts at the time of marriage etc. are relevant matters which needs adjudication on the judicial side in determining whether the petitioner in the O.P. is entitled to the relief. Therefore, there is no necessity to continue this matter in the Family Court, Kannur. Taking into consideration the fact that the wife is in a poor circumstance, unable to meet the expenses and the nature of contentions raised in the O.P. it is desirable that the case is transferred to Family Court, Kottayam at Ettumanoor. Therefore, O.P.623/06 pending before the Family Court, Kannur is transferred to Family Court, Kottayam at Ettumanoor. Before effecting transfer the Family Court shall give notice to both sides.

The Tr.P.C. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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